

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation     )  
Against:                                     )**

**Naresh Durgaprasad Sharma, M.D.)**

**Case No. 04-2013-235458**

**Physician's and Surgeon's     )  
Certificate No. A 68991         )**

**Respondent                                 )  
\_\_\_\_\_                                     )**


**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on February 1, 2019.**

**IT IS SO ORDERED January 3, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kristina D. Lawson, J.D., Chair  
Panel B**

1 XAVIER BECERRA  
2 Attorney General of California  
3 E. A. JONES III  
4 Supervising Deputy Attorney General  
5 CINDY M. LOPEZ  
6 Deputy Attorney General  
7 State Bar No. 119988  
8 California Department of Justice  
9 300 So. Spring Street, Suite 1702  
10 Los Angeles, CA 90013  
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13 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 NARESH SHARMA, M.D.  
13 3 Brenner Court  
14 Somerset, NJ 08873

14 Physician's and Surgeon's Certificate No.  
15 A68991

16 Respondent.

Case No. 04-2013-235458

OAH No. 2016080120

14 **STIPULATED SETTLEMENT AND**  
15 **DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
22 of California (Board). She brought this action solely in her official capacity and is represented in  
23 this matter by Xavier Becerra, Attorney General of the State of California, by Cindy M. Lopez,  
24 Deputy Attorney General.

25 2. Respondent NARESH SHARMA, M.D. (Respondent) is represented in this  
26 proceeding by attorney Michael J. Fitzgerald, whose address is: Fitzgerald Yap Kreditor LLC,  
27 16148 Sand Canyon Avenue, Irvine, CA 92618.  
28

1           3.     On or about June 24, 1999, the Board issued Physician's and Surgeon's Certificate  
2     No. A68991 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect  
3     at all times relevant to the charges brought in Accusation No. 04-2013-235458, and will expire on  
4     February 2, 2017, unless renewed.

5                                   JURISDICTION

6           4.     Accusation No. 04-2013-235458 was filed before the Board, and is currently pending  
7     against Respondent. The Accusation and all other statutorily required documents were properly  
8     served on Respondent on February 3, 2016. Respondent timely filed his Notice of Defense  
9     contesting the Accusation.

10          5.     A copy of Accusation No. 04-2013-235458 is attached as exhibit A and incorporated  
11     herein by reference.

12                                   ADVISEMENT AND WAIVERS

13          6.     Respondent has carefully read, fully discussed with counsel, and understands the  
14     charges and allegations in Accusation No. 04-2013-235458. Respondent has also carefully read,  
15     fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
16     Disciplinary Order.

17          7.     Respondent is fully aware of his legal rights in this matter, including the right to a  
18     hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
19     the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
20     to the issuance of subpoenas to compel the attendance of witnesses and the production of  
21     documents; the right to reconsideration and court review of an adverse decision; and all other  
22     rights accorded by the California Administrative Procedure Act and other applicable laws.

23          8.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24     every right set forth above.

25                                   CULPABILITY

26          9.     Respondent understands and agrees that the charges and allegations in Accusation  
27     No. 04-2013-235458, if proven at a hearing, constitute cause for imposing discipline upon his  
28     Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges at a hearing. Respondent makes no admission of culpability in this matter.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

## RESERVATION

12. This stipulation and the agreements made herein by Respondent are only for the purposes of this proceeding, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph. The parties understand and agree this stipulation shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 It is hereby ordered that Physician and Surgeon's Certificate A68991 issued to Respondent,  
3 will be publically reprimanded pursuant to California Business and Professions Code section  
4 2227, subdivision (a)(4). This Public Reprimand is issued in connection with the Medical Board  
5 determining that the manner of your recommendation regarding the lack of medical necessity of  
6 some of the medications prescribed for the claimant was a simple departure from the standard of  
7 care. This action is in violation of California Business and Professions Code Section 2234(c) as it  
8 relates to an initial act or omission.

9  
10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney, Michael J. Fitzgerald. I understand the stipulation and the effect it  
13 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
14 Disciplinary Order voluntarily, knowingly, and intelligently, and without admission to any  
15 culpability, and agree to be bound by the Decision and Order of the Medical Board of California.

16  
17 DATED: 09/24/2018 Naresh S. Sharma.  
18 NARESH SHARMA, M.D.  
19 Respondent

20 I have read and fully discussed with Respondent NARESH SHARMA, M.D. the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
22 I approve its form and content.

23 DATED: 9/24/18 Michael J. Fitzgerald  
24 MICHAEL J. FITZGERALD  
25 Attorney for Respondent

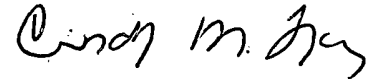
26 **ENDORSEMENT**

27 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
28 submitted for consideration by the Medical Board of California.

1 Dated: 11.20.2018

Respectfully submitted,

2 XAVIER BECERRA  
3 Attorney General of California  
4 E. A. JONES III  
5 Supervising Deputy Attorney General



6 CINDY M. LOPEZ  
7 Deputy Attorney General  
8 *Attorneys for Complainant*

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10 53125561.docx

**Exhibit A**

**Accusation No. 04-2013-235458**

1 KAMALA D. HARRIS  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 CINDY M. LOPEZ  
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4 State Bar No. 119988  
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7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO February 3 20 16  
BY R. Firdaus ANALYST

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 04-2013-235458

13 **NARESH D. SHARMA, M.D.**

14 3 Brenner Court  
Somerset, NJ 08873

**A C C U S A T I O N**

15 Physician's and Surgeon's Certificate  
No. A68991,

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about June 24, 1999, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A68991 to Naresh D. Sharma, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on February 28, 2017, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board, under the authority of the following



1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2227 of the Code provides that a licensee who is found guilty under the  
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
5 action taken in relation to discipline as the Board deems proper.

6 5. Section 2234 of the Code, states:

7 "The board shall take action against any licensee who is charged with unprofessional  
8 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
9 limited to, the following:

10 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
11 violation of, or conspiring to violate any provision of this chapter.

12 "(b) Gross negligence.

13 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
14 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
15 the applicable standard of care shall constitute repeated negligent acts.

16 "(1) An initial negligent diagnosis followed by an act or omission medically  
17 appropriate for that negligent diagnosis of the patient shall constitute a single negligent  
18 act.

19 "(2) When the standard of care requires a change in the diagnosis, act, or omission  
20 that constitutes the negligent act described in paragraph (1), including, but not limited to, a  
21 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs  
22 from the applicable standard of care, each departure constitutes a separate and distinct  
23 breach of the standard of care.

24 "(d) Incompetence.

25 "(e) The commission of any act involving dishonesty or corruption which is substantially  
26 related to the qualifications, functions, or duties of a physician and surgeon.

27 "(f) Any action or conduct which would have warranted the denial of a certificate.

28 "(g) The practice of medicine from this state into another state or country without meeting

1 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
2 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
3 proposed registration program described in Section 2052.5.

4 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
5 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
6 who is the subject of an investigation by the board.”

#### 7 **FIRST CAUSE FOR DISCIPLINE**

##### 8 **(Gross Negligence)**

9 6. Respondent Naresh D. Sharma, M.D. is subject to disciplinary action under section  
10 2234, subdivision (b), in that he was grossly negligent in his care and treatment of patient K.K.  
11 The circumstances are as follows:

12 A. Patient K.K. suffered a back injury at work in 2008. That year K.K. had a  
13 microdiscectomy, which is a spine surgery intended to take pressure off the nerves and  
14 relieve back pain. However, five months after the surgery he had issues with the disc  
15 again. He became depressed because of the difficulties he was having with his injury.

16 B. Dr. L., a psychiatrist, started treating patient K.K. for depression, anxiety,  
17 and sleeplessness. K.K. was diagnosed with Adjustment Disorder With Mixed Anxiety  
18 and Depressed Mood. He was prescribed Wellbutrin, MS Contin, Norco, Xanax, and  
19 Ambien.

20 C. In July 2013, Respondent did a Utilization Review, which is used in  
21 Workers' Compensation cases to determine whether treatment is medically necessary.  
22 Respondent attempted to call K.K.'s psychiatrist, Dr. L, a few times, but it was over the  
23 July 4 holiday weekend. Respondent never spoke to Dr. L. prior to making his final  
24 decision.

25 D. Respondent denied coverage for Klonopin, Xanax, and Ambien, and cut in  
26 half the dosage for the Wellbutrin. After K.K. abruptly stopped taking the medications, he  
27 had his first seizure on August 7, 2013. The next week on August 14, he had his second  
28 seizure and was taken to the Kaiser ER. The next day, on August 15, he had his third

1 seizure, and on August 16, 2013, he had his fourth seizure and was taken by ambulance to  
2 the ER. The doctors concluded that the seizures were caused by the abrupt cessation of the  
3 benzodiazepines.

4 E. On August 26, 2013, K.K. saw a Dr. P. who placed him on Keppra, which  
5 is a seizure medication. Since that time he has had no more seizures. The total time K.K.  
6 was off the medications was for two weeks in August 2013.

7 **Allegations of Gross Negligence:**

8 F. Respondent only looked at a few of K.K.'s medical records in reaching his  
9 decision. If he had done a comprehensive evaluation, he would have had a better  
10 understanding of K.K.'s complex psychiatric history. Respondent's performance of the  
11 Utilization Review was an extreme departure from the standard of care.

12 G. Respondent, an anesthesiologist, had no specific mental health training.  
13 Thus, it was an extreme departure from this standard of care for him to review the mental  
14 health treatment of K.K.

15 H. Discontinuing benzodiazepines without tapering was an extreme departure  
16 from the standard of care. The standard of care is to taper off these medications, and it is a  
17 well known side effect that abrupt discontinuation can cause seizures.

18 I. There is nothing in the medical records that establishes any basis for  
19 Respondent decreasing the Wellbutrin. Respondent's modification of Wellbutrin was an  
20 extreme departure from the standard of care.

21  
22 **SECOND CAUSE FOR DISCIPLINE**


23 **(Repeated Negligent Acts)**

24 7. Respondent Naresh D. Sharma, M.D. is subject to disciplinary action under section  
25 2234, subdivision (c), in that he provided negligent treatment to patient K.K. The circumstances  
26 are as follows:

27 8. Complainant incorporates by reference the allegations contained above in paragraph  
28 6, A-I, as though fully stated herein.

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1. Revoking or suspending Physician's and Surgeon's Certificate Number A68991, issued to Naresh D. Sharma, M.D.;
2. Revoking, suspending or denying approval of Naresh D. Sharma, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Naresh D. Sharma, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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